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No. 3898

## Food and Forest Secretariat

## NOTIFICATION

No. FFD 277 DRA 75, Bangalore, dated 24/25th August 1976

Ordered that the accompanying Order No. S.O. 520 (E), dated 2nd August 1976 of the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-operation) New Delhi as published in the **Gazette of India,** Extraordinary Part II, Section 3, sub-section (ii), dated the 2nd August 1976, be republished in the **Karnataka Gazette,** Extraordinary for general information.

By Order and in the name of the Governor of Karnataka,

MOHAMMED YAKOOB,
Under Secretary to Government,
Food and Forest Department.

GOVERNMENT OF INDIA

Ministry of Industry and Civil Supplies

(Department of Civil Suplies and Co-operation)

New Delhi, the 2nd August 1976.

ORDER

S.O. No. 520 (E).—In exercise of the powers conferred by sub-rule (2) of rule 114 of the Defence and Internal Security of India Rules, 1971, the Central Government, hereby makes the following Order further to amend the Packaged Commodities (Regulation) Order, 1975, namely :—

1. (1) This order may be called the Packaged Commodities (Regulation) Amendment Order, 1976.

(2) It shall come into force after a period of one month from the date of its publication in the official gazette.

2. In the Packaged Commodities (Regulation). Order, 1975 :—

(i) in paragraph 2,—

(a) in clause (e), the words "to any person other than a dealer" shall be added at the end ;

(b) in clause (h), for the words, "or dissimilar", the brackets and words "(whether in quantity or size)", shall be substituted ;

(c) in clause (1), for the words "whether of identical quantity or not", the words "of identical quantity" shall be substituted ;

(d) in clause (m), for the words "so that the quantity of the product", the words "so that the product or the quantity of the product" shall be substituted ;

(e) in items (i) of clause (n) after the words "ex-factory price" the words "inclusive of commission payable to wholesalers and retailers and of other charges, including advertising, delivery, packing, forwarding and the like ; and "shall be inserted ;

(ii) in sub-paragraph (1) of paragraph 3,—

(a) in clause (iii), for the word "Pre-packed", the words "manufactured or pre-packed," shall be substituted,

(b) in the first proviso to clause (iii), for the word "pre-packed", the words "manufactured or pre-packed" shall be substituted;

(c) in the first proviso to clause (iii), for item (b), the following shall be substituted, namely—

"(b) any package containing bread and any uncanned package of vegetables, fruits, ice-cream, butter, cheese, fish, meat or the like;"

(d) in the proviso to clause (iv), for item (a) the following shall be substituted namely :—

"(a) any uncanned package of vegetables, fruits, ice-cream, butter, cheese, fish, meat or the like;"

(e) after sub-paragraph (3), the following shall be inserted, namely :—

"(3A) It shall be the duty of the manufacturer, or, where the manufacturer is not the packer, of the packer, to ensure that the provisions of sub-paragraph (3) are complied with by the wholesaler;"

(f) In the proviso to sub-paragraph (7) of paragraph 3, after the word "weight", the words "or measure" shall be added.

(iii) in sub-paragraph (2) of paragraph 5, the following shall be added at the end, namely : "and also a list indicating the rates at which local taxes (including Central Sales Tax, if not included in the price indicated on the package) are leviable on the commodities contained in packages sold by him;"

(iv) in paragraph 7,

(a) in sub-paragraph (3), after the words "the total quantity contained in the multi-piece package", the words, "the month and the year in which the commodity was manufactured or pre-packed, name and address of the manufacturer, or where the manufacturer is not the packer, of the packer" shall be inserted;

(b) for sub-paragraph (4), the following shall be substituted, namely :

"(4) Where the dimensions and weight, or combination thereof, of a commodity has or have a relationship to the price of that commodity, the declaration of quantity on the package containing such

commodity shall also include a declaration as to such dimensions, weight or combination, ; "

(v) in paragraph 8,—

(a) in sub-paragraph (1), for the figures and words "20 samples at random from each batch of packages," the words "samples at random from each batch of packages in accordance with the provisions of the Third Schedule." shall be substituted ;

(b) in sub-paragraph (5) in clause (b) for the words " the error ", the words " the error in deficiency " shall be substituted ;

(vi) (a) in paragraph 11, after clause (b), the following explanation shall be inserted namely :

" Explanation :

In clauses (a) and (b) of this paragraph, the expression " industry " does not include any workshop, service station or any other place where servicing or repairing of any motor vehicle within the meaning of the Motor Vehicles Act 1939, is undertaken."

(b) clause (f), for the words " the commodity ", the words " the commodity, if sold by weight or measure," shall be substituted ;

(vii) after the second Schedule, the following shall be inserted, namely :

## THIRD SCHEDULE

(See sub-paragraph (1) of paragraph 8)

**Manner of Selection of Samples of Packages**

1. Where, for the determination of the net quantity of any commodity contained in a package, it is necessary to open the package, taken by way of sample, and it is not possible to refill such package, such sample shall be selected at random having regard to the total number of packages in the batch. In such a case, the number of packages to be selected as samples shall be the number specified in column (2) of Table I, corresponding to the entry in column (1) of that Table.

TABLE I

| Number in batch | Number of Sample |
|---|---|
| (1) | (2) |
| Less than or equal to 500 .. | 8 |
| 501 to 3200 .. | 13 |
| More than 3200 .. | 20 |

2. Where, for the determination of the net quantity of any commodity contained in a package, it is not necessary to open the package, taken by way of sample, or where it is necessary to open only one or two packages, taken by way of samples for the purpose of determining the tare, such sample shall be selected at random having regard to the total number of packages in the batch. In such a case, the number of packages to be selected as samples shall be the number specified in column (2) of the Table II, corresponding to the entry in column (1) of that table.

TABLE II

| Number in batch | Number in Sample |
|---|---|
| (1) | (2) |
| 100 to 150 .. | 20 |
| 151 to 281 .. | 32 |
| 281 to 500 .. | 50 |
| 501 to 1200 .. | 80 |
| 1201 to 3200 .. | 120 |
| 3201 and over .. | 200 |

3. Where, for the determination of the net quantity of any commodity contained in a package, it is necessary to take samples of packages stored by the manufacturer or packer in a warehouse, godown or at

any other place, the sample shall be selected at random, from every batch of packages and shall be picked out from the top, bottom, centre, right, left, front, rear etc. of the stocks so that the samples may adequately represent the packages in the batch.

4. Where, for the determination of the net quantity of any commodity contained in a package, it is necessary to take samples from the place where the package is being filled such sample shall be selected from among the packages which have already been filled, or in the alternative, the requisite number of empty containers may be taken over and each of them shall be adequately marked for proper identification and the tare of each container shall be accurately noted and thereafter the marked out containers shall be introduced at random in the packing processo that, after the packages are filled it may be possible to determine whether the packages do contain the net quantity of the commodity as declared on the container.

(F. No. WM—10 (1)—76—Vol. II).

B. N. JAYASIMHA,

Joint Secretary to the Government of India.

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